



ALJ/RMD/JOR/fzs 1/20/2023

FILED

01/20/23

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

DNIA

A2106021

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2023 (U39M).

Application 21-06-021

**ADMINISTRATIVE LAW JUDGES' RULING
ADOPTING MODELING PROCEDURES FOR RESULTS OF
OPERATIONS AND RATES TO SUPPORT
CONFIDENTIAL DECISION-MAKING**

This ruling adopts procedures for the production of computer model information, including model runs, using the results of operations and rates models of Pacific Gas and Electric Company to generate the tables needed to support confidential decision-making in this proceeding. The use of computer models in Commission proceedings is governed by Public Utilities Code §§ 1821-1822 and Rules 10.3 and 10.4 of the Commission's Rules of Practice and Procedure (Rules).

The attached Results of Operations and Rates Modeling Procedures (Attachment 1), Protective Order (Attachment 2), and Certificate of Compliance (Attachment 3) are adopted by this ruling. These shall govern the results of operation and rates modeling processes that will be administered by the Commission's Energy Division to generate the tables and other data needed to support decision-making in this proceeding.

IT IS RULED that:

To assure the confidentiality of the Commission's decision-making and deliberative process, the Results of Operations and Rates Modeling Procedures set forth in Attachment 1 of this ruling, the Protective Order set forth in Attachment 2 of this ruling, and the Certificate of Compliance set forth in Attachment 3 of this ruling are hereby adopted. Said procedures are binding upon the parties in this proceeding.

Dated January 20, 2023, at San Francisco, California.

/s/ REGINA DEANGELIS

Regina DeAngelis
Administrative Law Judge

/s/ JOHN LARSEN

John Larsen
Administrative Law Judge

ATTACHMENT 1

RESULTS OF OPERATIONS AND RATES MODELING PROCEDURES TO SUPPORT CONFIDENTIAL DECISION-MAKING AND DELIVERATIVE PROCESS OF THE COMMISSION

Upon request of the Energy Division Director of the California Public Utilities Commission (CPUC) or a designee(s), Pacific Gas and Electric Company (PG&E) and/or the Public Advocates Office of the California Public Utilities Commission (Cal Advocates) will provide all necessary assistance to the Energy Division to run the results of operation model and any related rates modeling prepared or used by PG&E and/or Cal Advocates in connection with Application (A.) 21-06-021 to produce tables related to the decision-making process of the Administrative Law Judges' (ALJs') proposed decision, any Commissioner's alternate decision, and the Commission-adopted decision. The following requirements shall govern these modeling processes:

1. Model run(s) shall be performed at CPUC and/or PG&E's offices or telework locations under the supervision, oversight, and control of the Energy Division Director or a designee(s), which may include activities such as videoconferences, secure file transfers, written documentation, or other methods of interactive remote communication. The same rules shall apply to Cal Advocates. The Energy Division Director or a designee(s) shall conduct regularly scheduled check-ins with PG&E and/or Cal Advocates about any model run activities, as necessary.
2. Model run(s) shall be performed using only computer hardware, software, and media installed or placed at CPUC's and/or PG&E's offices or telework locations. PG&E shall retain all related notes, worksheets, workpapers, and computer output and convey them to the Energy Division at the conclusion of the modeling, or sooner upon request, and Energy Division shall follow the Commission's document retention policy. The same rules shall apply to Cal Advocates.
3. Any model runs or operation pursuant to these procedures performed at the request of Energy Division, the information or data input, and information generated thereby shall be confidential and shall not be communicated or allowed to be communicated within PG&E or Cal Advocates or elsewhere, except as provided by these procedures.

4. Before obtaining access to any information related to, contained in, or pertaining to the ALJs' proposed decision or any Commissioner's alternate decision, or revisions to either of them, (prior to the public release of any such information pursuant to paragraph 6, below), each employee, agent, or representative of PG&E or Cal Advocates involved in the modeling shall enter into agreement, via a signed certificate at Attachment 3, which requires compliance with the protective order attached hereto at Attachment 2.

5. The Energy Division Director or designee(s) shall ensure that each employee, agent, or representative of PG&E or Cal Advocates who receives access to any information about the contents of the ALJs' proposed decision, any Commissioner's alternate decision, and revisions to either of them, has first signed the certificate of compliance and agrees to the protective order at Attachment 2. Employees, agents, or representatives of PG&E and Cal Advocates who have signed a certificate of compliance with the protective order shall use information obtained about the contents of the proposed decision, any alternate decision, and any revisions to either of them only to assist in running the results of operations model, and shall not counsel or advise the Commission, including Energy Division, on any issues being considered in A.21-06-021.

6. As soon as practicable after the date of publication of the ALJs' proposed decision and, if applicable, a Commissioner's alternate decision, or any revised versions of them that are issued for public comment, and no later than seven days after the date of such publication, Energy Division, and if necessary, with the assistance of employees, agents, or representatives from PG&E and/or Cal Advocates having signed a certificate of compliance with the protective order, shall via an ALJ ruling, serve workpapers associated with modeling upon any party to the proceeding making prior written request for them. Workpapers associated with the model runs supporting the ALJs' proposed decision, any revisions to the proposed decision, and any Commissioner's alternate decisions and any revised alternate decisions shall be designated as Late-Filed Exhibit ALJ-1 and continuing as needed. Workpapers may be served in electronic form.

7. To the extent that Energy Division identifies that the workpapers which will be provided via Late-Filed Exhibit ALJ-1 might contain confidential information of PG&E's, it will consult with PG&E. PG&E may negotiate nondisclosure agreements with parties requesting the workpapers. If non-disclosure agreements cannot be reached, PG&E may file a motion for a protective order in the proceeding to address or limit the parties or individuals who may receive the workpapers. The protective order attached hereto is designed to protect the Commission's confidential information used to support decision-making.

8. Any and all drafts and unused analysis that does not directly support or is required for the ALJs' proposed decision, any Commissioner's alternate decision(s), any revisions to ALJs' proposed decision and Commissioner's alternate decision(s), and the Commission-adopted decision, is to be destroyed or otherwise deleted by PG&E and Cal Advocates. However, all information in this category remains confidential permanently and may not be disclosed by PG&E and Cal Advocates.

(END OF ATTACHMENT 1)

ATTACHMENT 2

PROTECTIVE ORDER

1. This Protective Order shall govern the use of all Protected Materials, as defined herein, by (a) Pacific Gas and Electric Company (PG&E), (b) the Public Advocates Office of the California Public Utilities Commission (Cal Advocates), and (c) PG&E's and Cal Advocates' employees, representatives, and agents.
2. "Protected Materials" shall mean any written or oral communications from the staff of the California Public Utilities Commission's (Commission's) Energy Division or Administrative Law Judge Division, or any Commissioner or Commissioner's advisor, which reflect or relate to the contents of the Administrative Law Judges' (ALJs') proposed decision or any Commissioner's alternate decision, or to revisions to either of them, not otherwise publicly released by the Commission. "Protected Materials" also include all computer hardware, software, media, notes, worksheets, workpapers, computer inputs, computer outputs, or any other documents which relate to these written or oral communications from the Energy Division or Administrative Law Judge Division, or any Commissioner or Commissioner's advisor.
3. "Certificate of Compliance" shall mean the certificate annexed hereto at Attachment 3 by which the employees, representatives, and agents of PG&E and Cal Advocates will be granted access to Protected Materials. Said persons shall certify their understanding that access to Protected Materials is provided pursuant to the terms and restrictions of this Protective Order, and that they have read the Protective Order and agree to be bound by it. No employee, representative, or agent of PG&E or Cal Advocates will be permitted access to any Protected Materials without first having signed and dated a Certificate of Compliance. Prior to such access, PG&E and Cal Advocates shall provide the Commission's Energy Division with the original, as set forth in Rule 1.8 of the Commission's Rules of Practice and Procedure, of each Certificate of Compliance that has been executed and PG&E or Cal Advocates shall serve an electronic copy of each Certificate of Compliance on all parties on the Commission's service list via email in this proceeding.
4. The term "Reviewing Representative" shall mean each PG&E and Cal Advocates employee, representative, or agent who has signed a Certificate of Compliance and been granted access to the Protected Materials. Each Reviewing Representative shall treat as confidential the Protected Materials and shall not

disclose in any manner any information contained in or relating to the Protected Materials to any person, except another Reviewing Representative or an employee of the Commission involved in the decision-making process in this proceeding (excluding Cal Advocates employees that have not signed the Certificate of Compliance with the Protective Order). Reviewing Representatives shall not use his or her knowledge of any Protected Materials on behalf of PG&E or Cal Advocates. Furthermore, employees, agents, or representatives of PG&E and Cal Advocates are granted access to Protected Materials only to assist in running the results of operation and rates models and shall not counsel or advise the Commission, including Energy Division, on any issues considered in Application 21-06-021.

5. A supervisor in PG&E management or Cal Advocates management, who has authority over each Reviewing Representative, shall instruct each Reviewing Representative to read and agree to comply with this Protective Order. The supervisor in PG&E management or Cal Advocates management shall also take all reasonable and necessary steps to ensure that nobody at PG&E or Cal Advocates attempts to learn from any Reviewing Representative the contents of any Protected Materials.

6. Any violation of this Protective Order shall constitute a violation of an order of the Commission.

(END OF ATTACHMENT 2)

ATTACHMENT 3

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company for Authority, Among Other Things, to Increase Rates and Charges for Electric and Gas Service Effective on January 1, 2023. (U39M.)

Application 21-06-021

CERTIFICATE OF COMPLIANCE

I hereby certify my understanding that access to Protected Materials is provided to me pursuant to the terms and restrictions of the Protective Order at Attachment 2 of the ALJs ruling in this proceeding, that I have been given a copy of and read the Protective Order, and that I agree to be bound by it. I understand that the contents of the Protected Materials and any notes or any other form of information that relate to the Protected Materials shall not be disclosed to anyone other than in accordance with that Protective Order. I will not use knowledge of any Protected Materials on behalf of Pacific Gas and Electric Company (PG&E) or the Public Advocates Office of the California Public Utilities Commission (Cal Advocates). I acknowledge that a violation of this Certificate of Compliance and Protective Order constitutes a violation of an order of the California Public Utilities Commission.

By: _____

Title: _____

Representing (Indicate: PG&E, Cal Advocates): _____

Date: _____

(END OF ATTACHMENT 3)